

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JASON D. MCGOWAN,

Petitioner,

Civil No. 2:20-CV-11398
HONORABLE SEAN F. COX

v.

LES PARISH,

Respondent.

/

**ORDER DIRECTING THE CLERK OF THE COURT TO TRANSFER THE
APPLICATION TO PROCEED WITHOUT PREPAYING FEES AND COSTS ON
APPEAL (ECF No. 14) TO THE UNITED STATES COURT OF APPEALS FOR THE
SIXTH CIRCUIT**

Petitioner filed a petition for writ of habeas corpus, which this Court denied. (ECF No. 11).

On January 4, 2023, petitioner filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit. (ECF No. 13). Petitioner also filed an application to proceed without prepayment of fees and costs on appeal with this Court. For the reasons stated below, the Court orders that the application be transferred to the United States Court of Appeals for the Sixth Circuit.

A notice of appeal generally “confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.” *Marrese v. American Academy of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985)(citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)(per curiam)); *Workman v. Tate*, 958 F.2d 164, 167 (6th Cir. 1992). Petitioner’s notice of appeal divests this Court of jurisdiction to consider his motion that he be permitted to proceed *in forma pauperis* in the Sixth Circuit Court of Appeals. See *Johnson v. Woods*, No. 5:12–11632; 2013 WL 557271, *2 (E.D. Mich. Feb. 13, 2013); *Glick v. U.S. Civil Service Com’n*, 567 F. Supp. 1483, 1490 (N.D. Ill. 1983); *Brinton v. Gaffney*, 560 F.

Supp. 28, 29-30 (E.D. Pa. 1983). Jurisdiction of this action was transferred from the district court to the Sixth Circuit Court of Appeals upon the filing of the Notice of Appeal; Petitioner's application to proceed *in forma pauperis* on appeal should be addressed by the Sixth Circuit. In the interests of justice, this Court orders that the application to proceed without prepayment of fees and costs be transferred to the Sixth Circuit for that court's consideration. *See Baker v. Perry*, No. 2:12-10424; 2012 WL 6097323, *2 (E.D. Mich. Dec. 6, 2012).

IT IS ORDERED that:

The Clerk of the Court transfer Petitioner's "Application to Proceed Without Prepaying Fees and Costs on Appeal" (ECF No. 14) to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

Dated: February 21, 2023

s/Sean F. Cox

Sean F. Cox
U. S. District Judge